

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:16CR244
)	
vs.)	ORDER
)	
CHARLES McSPADDEN,)	
)	
Defendant.)	

On August 19, 2016, after granting the defendant's motion for a mental evaluation (Filing No. 19 - Restricted), the court ordered the defendant Charles McSpadden (McSpadden) be committed to the custody of the Attorney General for a competency examination pursuant to 18 U.S.C. § 4241 (Filing No. 23).

The psychological evaluation was completed by the staff of the Federal Bureau of Prisons, U.S. Medical Center for Federal Prisoners, Springfield, Missouri (USMCFP). An evaluation was performed by Allison Schenk, Ph.D., Clinical Psychologist at USMCFP. Dr. Allison's final forensic psychological report, dated October 19, 2016 (Filing No. 25 - Sealed), was provided to counsel for the government and the defendant. The defendant was subsequently returned to the District of Nebraska for hearing. McSpadden appeared before the undersigned magistrate judge with his counsel on December 6, 2016, for a competency hearing.

A competency hearing pursuant to 18 U.S.C. § 4247(d) was held on December 6, 2016. McSpadden was present together with his counsel, Assistant Federal Public Defender Richard H. McWilliams. The United States was represented by Assistant U.S. Attorney Matthew E. Lierman. The parties stipulated that the court receive and consider the report of Dr. Schenk (Filing No. 25 - Sealed). McSpadden was afforded an opportunity to testify and to present evidence or witnesses on his behalf. Other than the stipulation that

the court receive and consider the psychological report, no further evidence was presented by either side.

Dr. Schenk concluded McSpadden is able to understand the nature and consequences of the proceedings against him, and McSpadden has the capacity to fully cooperate to properly assist in his defense of these proceedings. Dr. Schenk further concluded McSpadden is competent to stand trial. Dr. Schenk found McSpadden has a severe, chronic, mental illness. Although McSpadden meets the diagnostic criteria for schizophrenia, paranoid type, chronic, the symptoms of the disorder were in partial remission at the conclusion of Dr. Schenk's evaluation due to McSpadden's treatment with antipsychotic medication, paliperidone extended release. The symptoms of McSpadden's disorder do not preclude McSpadden's ability to understand the nature and consequences of the proceedings against him or to properly assist in his defense. Dr. Schenk concluded McSpadden is likely to function at his highest and most adaptive level when he is maintained on his medication. Dr. Schenk concluded McSpadden would need continued psychiatric care and medication for McSpadden to maintain his present stability and competency.

Based upon a review of the forensic report submitted, I find that the defendant, Charles McSpadden, is mentally competent to stand trial, understands the nature of the proceedings against him, and is able to assist in his own defense.

IT IS ORDERED that, pursuant to 18 U.S.C. § 4241, the defendant, Charles McSpadden, is mentally competent to understand the nature and consequences of the proceeding against him and to assist properly in his defense. This case shall now progress in the ordinary course of a criminal proceeding in this district.

DATED this 6th day of December, 2016.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge